



February 22, 1999

Mr. Jesús Toscano, Jr.
Administrative Assistant City Attorney
Office of the City Attorney
City Hall
Dallas, Texas 75201

OR99-0515

Dear Mr. Toscano:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122274.

The City of Dallas received a request for “any and all opinions issued by Mr. Sam Lindsey, previous Dallas City Attorney, during his tenure as Dallas City Attorney.” You contend that the requested information is excepted from disclosure pursuant to section 552.107(1) of the Government Code. We have considered the exception you claim and have reviewed a representative sample of the information at issue.¹

Section 552.107(1) excepts information from disclosure if:

it is information that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct.

In Open Records Decision No. 574 (1990), this office concluded that section 552.107(1) excepts from public disclosure only “privileged information,” that is, information that

¹We assume that the “representative sample” of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

reflects either confidential communications from the client to the attorney or the attorney's legal advice or opinions; it does not apply to all client information held by a governmental body's attorney. ORD 574 at 5. Section 552.107(1) does not protect purely factual information. *Id.* For example, section 552.107(1) does not except from disclosure the factual recounting of events or the documentation of calls made, meetings attended, and memos sent. ORD 574 at 5. The information at issue consists of client confidences and attorney advice and opinion. Therefore, you may withhold the information from disclosure pursuant to section 552.107(1).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script, reading "Karen Hattaway".

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH\ch

Ref: ID# 122274

Enclosures: Submitted documents

cc: Mr. Joe Martin
P.O. Box 4133
Dallas, Texas 75208
(w/o enclosures)